
SENATE BILL 5709

State of Washington

65th Legislature

2017 Regular Session

By Senator Miloscia

Read first time 02/03/17. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to providing notification to parents when a minor
2 accesses behavioral health services; amending RCW 71.34.500,
3 71.34.500, 71.34.530, 70.96A.095, 71.34.510, and 70.96A.230;
4 providing an effective date; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 71.34.500 and 2006 c 93 s 3 are each amended to read
7 as follows:

8 (1) A minor thirteen years or older may admit himself or herself
9 to an evaluation and treatment facility for inpatient mental
10 treatment, without parental consent, subject to the requirements of
11 RCW 71.34.510. The admission shall occur only if the professional
12 person in charge of the facility concurs with the need for inpatient
13 treatment. Parental authorization, or authorization from a person who
14 may consent on behalf of the minor pursuant to RCW 7.70.065, is
15 required for inpatient treatment of a minor under the age of
16 thirteen.

17 (2) When, in the judgment of the professional person in charge of
18 an evaluation and treatment facility, there is reason to believe that
19 a minor is in need of inpatient treatment because of a mental
20 disorder, and the facility provides the type of evaluation and
21 treatment needed by the minor, and it is not feasible to treat the

1 minor in any less restrictive setting or the minor's home, the minor
2 may be admitted to an evaluation and treatment facility.

3 (3) Written renewal of voluntary consent must be obtained from
4 the applicant no less than once every twelve months. The minor's need
5 for continued inpatient treatments shall be reviewed and documented
6 no less than every one hundred eighty days.

7 **Sec. 2.** RCW 71.34.500 and 2016 sp.s. c 29 s 261 are each amended
8 to read as follows:

9 (1) A minor thirteen years or older may admit himself or herself
10 to an evaluation and treatment facility for inpatient mental health
11 treatment or an approved substance use disorder treatment program for
12 inpatient substance use disorder treatment without parental consent,
13 subject to the requirements of RCW 71.34.510. The admission shall
14 occur only if the professional person in charge of the facility
15 concurs with the need for inpatient treatment. Parental
16 authorization, or authorization from a person who may consent on
17 behalf of the minor pursuant to RCW 7.70.065, is required for
18 inpatient treatment of a minor under the age of thirteen.

19 (2) When, in the judgment of the professional person in charge of
20 an evaluation and treatment facility or approved substance use
21 disorder treatment program, there is reason to believe that a minor
22 is in need of inpatient treatment because of a mental disorder or
23 substance use disorder, and the facility provides the type of
24 evaluation and treatment needed by the minor, and it is not feasible
25 to treat the minor in any less restrictive setting or the minor's
26 home, the minor may be admitted to the facility.

27 (3) Written renewal of voluntary consent must be obtained from
28 the applicant no less than once every twelve months. The minor's need
29 for continued inpatient treatments shall be reviewed and documented
30 no less than every one hundred eighty days.

31 **Sec. 3.** RCW 71.34.530 and 2006 c 93 s 4 are each amended to read
32 as follows:

33 Any minor thirteen years or older may request and receive
34 outpatient treatment without the consent of the minor's parent,
35 subject to the requirements of RCW 71.34.510. Parental authorization,
36 or authorization from a person who may consent on behalf of the minor
37 pursuant to RCW 7.70.065, is required for outpatient treatment of a
38 minor under the age of thirteen.

1 **Sec. 4.** RCW 70.96A.095 and 1998 c 296 s 23 are each amended to
2 read as follows:

3 Any person thirteen years of age or older may give consent for
4 himself or herself to the furnishing of outpatient treatment by a
5 ~~((chemical dependency))~~ substance use disorder treatment program
6 certified by the department, subject to the requirements of RCW
7 70.96A.096 and 70.96A.230. Parental authorization is required for any
8 treatment of a minor under the age of thirteen.

9 **Sec. 5.** RCW 71.34.510 and 1998 c 296 s 15 are each amended to
10 read as follows:

11 (1) The administrator of the treatment facility shall provide
12 notice to the parents of a minor when the minor is voluntarily
13 admitted to inpatient treatment under RCW 71.34.500. The notice shall
14 be in the form most likely to reach the parent within twenty-four
15 hours of the minor's voluntary admission and shall advise the parent:
16 ~~((+1))~~ (a) That the minor has been admitted to inpatient treatment;
17 ~~((+2))~~ (b) of the location and telephone number of the facility
18 providing such treatment; ~~((+3))~~ (c) of the name of a professional
19 person on the staff of the facility providing treatment who is
20 designated to discuss the minor's need for inpatient treatment with
21 the parent; and ~~((+4))~~ (d) of the medical necessity for admission.

22 (2) Any provider of outpatient treatment who provides outpatient
23 treatment to a minor thirteen years of age or older shall provide
24 notice of the minor's request for treatment to the minor's parents.
25 Any notice under this section must contain the name, location, and
26 telephone number of the facility providing treatment and the name of
27 a professional person on the staff of the facility providing
28 treatment who is designated to discuss the minor's request for
29 treatment with the parent.

30 **Sec. 6.** RCW 70.96A.230 and 2016 sp.s. c 29 s 104 are each
31 amended to read as follows:

32 Any provider of outpatient treatment who provides outpatient
33 treatment to a minor thirteen years of age or older shall provide
34 notice of the minor's request for treatment to the minor's parents
35 ~~((if: (1) The minor signs a written consent authorizing the~~
36 ~~disclosure; or (2) the treatment program director determines that the~~
37 ~~minor lacks capacity to make a rational choice regarding consenting~~
38 ~~to disclosure. A provider of outpatient treatment may, at his or her~~

1 ~~discretion, provide notice of a minor's request for treatment to the~~
2 ~~minor's parents if the provider determines that notice is in the best~~
3 ~~interest of the minor in achieving recovery)). Any notice under this~~
4 ~~section ((shall be made within seven days of the request for~~
5 ~~treatment, excluding Saturdays, Sundays, and holidays, and shall))~~
6 must contain the name, location, and telephone number of the facility
7 providing treatment, and the name of a professional person on the
8 staff of the facility providing treatment who is designated to
9 discuss the minor's ((need)) request for treatment with the parent.

10 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect April
11 1, 2018.

12 NEW SECTION. **Sec. 8.** Sections 1, 4, and 6 of this act expire
13 April 1, 2018.

--- END ---